

EXHIBIT 17

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U.S. DEPARTMENT OF AGRICULTURE, :

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5. The procedures used in evaluating applications to the 8(a) BD program, including an assessment of whether an individual is socially disadvantaged, with or without the presumption in 13 CFR § 124.103(b)(1), and whether the Participant is owned by a qualifying entity.

6. The procedures and considerations used in evaluating whether a business qualifies as a small business.

7. Any database used by SBA of non-disadvantaged individuals or non-Participants, in the same or similar line of business as Participants and their owners, used for purposes of comparison under 13 CFR § 124.104(a) or 13 CFR § 124.302(b)(5), as well as any other information used to make such comparisons.

8. Any petitions pursuant to 13 CFR § 124.103(d) to have an identifiable group be included as a presumptively socially disadvantaged group under § 124.103(b)(1).

9. The procedures for challenging an individual's claim of social or economic disadvantage, the frequency with which such challenges have occurred, and the frequency such challenges have been successful.

10. The procedures for "early graduation" from the 8(a) BD program and the frequency that such "early graduation" has been attributable to (a) a disadvantaged owner no longer being economically disadvantaged (13 CFR § 124.302(a)(2)), (b) a participant exceeding the size standard corresponding to its primary NAICS code (13 CFR § 124.302(c)), (c) excessive withdrawals (13 CFR § 124.302(d)), or (d) a participant achieving the targets, objectives, and goals of its business plan prior to the expiration of its program term, either by its own assessment or the SBA's (13 CFR §§ 124.301, 124.302(a)(1), 124.302(b)).

11. Procedures for accepting contracts or requirements into the 8(a) BD program, including the factors that are considered or used to determine whether to accept a contract or requirement into the 8(a) BD program.

12. Procedures for determining whether follow-on contracts or requirements may be

made outside the 8(a) BD program or when contracts or requirements may be released from the 8(a) BD program and the considerations used to make those determinations.

13. Any decisions to accept contracts for the provision of administrative or technical services for the Natural Resources Conservation Service into the 8(a) BD program.

14. The process for assigning a NAICS code to each requirement or contract accepted into the 8(a) BD program.

15. Adverse impact analysis, including any adverse impact analysis for Plaintiff.

16. SBA Reports to Congress (408 Reports) and the information usually reported therein, including the number of 8(a) Participants (with a breakdown between those owned by individuals and those owned by entities), graduates, early graduates, those Participants terminated or withdrawn, and the distribution of Participants and/or requirements among industries, since 2015.

17. The data and analysis that the SBA relies upon to justify the presumption in 13 CFR 124.103(b)(1).

18. Any efforts by the SBA to consider possible race-neutral alternatives to the 8(a) BD Program, including any analysis of how the program would operate without the presumption in 13 CFR 124.103(b)(1).

19. The disparity studies produced by defendants in this lawsuit, and any review of those studies by a representative of the SBA or other agency or contractor of the federal government (other than defendants' experts in this lawsuit).

20. Other programs that SBA operates or oversees for the benefit of Small Disadvantaged Businesses or Minority Business Enterprises, including any plan or program developed or promulgated pursuant to Executive Order 12432 for promoting the development of minority-owned businesses or reports to the Secretary of Commerce pursuant to Section 3 of Executive Order 11625.

21. Contact information for any former employees of SBA familiar with the foregoing

topics.

Dated: March 3, 2022

Michael E. Rosman

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Michelle A. Scott

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